

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

John Houston Scott (SBN 72578)
Lizabeth N. de Vries (SBN 227215)

SCOTT LAW FIRM
1388 Sutter Street, Suite 715
San Francisco, CA 94109
Tel: (415) 561-9601
Fax: (415) 561-9609
john@scottlawfirm.net
liza@scottlawfirm.net

Attorneys for Plaintiff,
MEGAN SHEEHAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEGAN SHEEHAN

Plaintiff,
v.

BAY AREA RAPID TRANSIT, UNKNOWN
ASSAILANTS 1 – 4, COUNTY OF
ALAMEDA, and DOES 1-20, inclusive.

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

[42 U.S.C. § 1983]

JURY TRIAL DEMANDED

PLAINTIFF MEGAN SHEEHAN complains of Defendants and alleges as follows:

JURISDICTION AND VENUE

1. This action arises under 42 U.S.C. §1983. Jurisdiction is conferred by virtue of 28 U.S.C. §§ 1331 and 1343.

2. The conduct alleged herein occurred in Alameda County. Venue of this action lies in the United States District Court for the Northern District of California.

PARTIES

3. Plaintiff Megan Sheehan resides in the City and County of San Francisco, California.

4. Defendant Bay Area Rapid Transit (“BART”) is a public agency organized and existing pursuant to the laws of the State of California which includes the BART Police Department.

5. Plaintiff does not presently know the true name of defendants identified as “Unknown Assailants 1 – 4” and therefore sues them by fictitious names. Plaintiff is informed and believes, and on that basis alleges, that the “Unknown Assailants 1 – 4” and each of them were responsible in some manner for the acts and/or omissions alleged herein, and, were officers working for either BART or County of Alameda. Plaintiff will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

6. Defendant County of Alameda is public agency organized and existing pursuant to the laws of the State of California, which runs an agency/department that is the Alameda County Sheriff’s Office, and, which operates the Santa Rita Jail through the Sheriff’s Office.

7. Plaintiff also does not presently know the true names and capacities of defendants DOES 1 through 20, inclusive, and therefore sues them by these fictitious names. Plaintiff is informed and believes that DOES 1 through 20, and each of them, were responsible in some manner for the acts or omissions alleged herein. Plaintiff will seek leave to amend this Complaint to add their true names and capacities when they have been ascertained.

8. In doing the acts and/or omissions alleged herein, defendants and each of them acted under color of authority and/or under color of state law, and, in concert with each other.

STATEMENT OF FACTS

9. Plaintiff alleges on information and belief that at all times mentioned herein, B. Trabinino (badge #102) and R. Carraco (badge #268) were police officers employed by the BART Police Department.

10. On March 17, 2014, female plaintiff Megan Sheehan was traveling on BART when she exited a train in Oakland. Officer Trabanino arrested Sheehan alleging Penal Code violations of Sections 657(f), 148(a)(1), and 243(b). Sheehan alleges on information and belief that Officer Carraco transported her to the Santa Rita Jail. Sheehan urinated in a police car on the way to jail.

11. Upon arrival at the Santa Rita Jail, Unknown Assailants 1 – 4 beat Sheehan until she lost consciousness. Defendants’ beating caused plaintiff serious head injuries including but not limited to fracturing four of her cheek bones, splitting her molar, and cracking a front tooth.

12. Sheehan alleges on information and belief that a video exists and captured at least a portion if not all of the beating.

13. Sheehan was taken in an ambulance to Eden Medical Center in Castro Valley where Sheehan was treated and required hospital care and treatment for two days. Eden's March 19, 2014 discharge papers identify her "final diagnoses" as follows:

Principal Problem:

Fx Left orbital floor blowout

Active Problems:

LOC (loss of consciousness)

Fx: Left maxillary depressed comminuted anterior wall, nondisplaced medial wall, displaced lateral wall

Left orbital wall lateral displaced communitied fx

Fx: medial wall Right maxillary antrum

Concussion with brief loss of consciousness

Eyelid laceration

Lip laceration

14. Plaintiff returned to Santa Rita Jail before being released on bail.

15. No criminal charges were ever filed against the plaintiff.

STATEMENT OF DAMAGES

16. As a result of the acts and/or omissions of defendants, and each of them, plaintiff suffered and will continue to suffer general damages including pain and suffering in an amount to be determined according to proof. Plaintiff also suffered physical injuries that impact her quality of life and daily life activities in an amount to be determined according to proof. Plaintiff has also incurred, and is likely to continue to incur medical and dental treatment and related expenses in amounts to be determined according to proof. Further, plaintiff lost wages and employment opportunities in amounts to be determined according to proof.

17. The acts and/or omissions of the individual defendants were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or reckless disregard for the rights of the plaintiff, who seeks punitive and exemplary damages against these individuals according to proof.

18. Plaintiff has retained private counsel to represent her in this matter and will seek an award of attorneys' fees and costs as permitted by law.

CAUSES OF ACTIONS**FIRST CAUSE OF ACTION**

[42 U.S.C. §1983—Fourth Amendment]

19. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

20. Plaintiff alleges on information and belief that the Unknown Assailants 1 – 4 and Does 1-20 (hereafter the “individual” defendants) were acting under color of state law and in the course and scope of their employment.

21. In doing the acts and/or omissions alleged herein the individual defendants used excessive and unreasonable force against Megan Sheehan in violation of her rights under the Fourth Amendment to the United States Constitution.

WHEREFORE, plaintiff prays for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

[42 U.S.C. §1983—Fourteenth Amendment]

22. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

23. In doing the acts and/or omissions alleged herein, the individual defendants were deliberately indifferent to plaintiff’s health and safety in violation of the Fourteenth Amendment to the United States Constitution. Alternatively, these defendants acted with a purpose to harm unrelated to a legitimate police purpose.

WHEREFORE, plaintiff prays for relief as set forth herein.

THIRD CAUSE OF ACTION[42 U.S.C. §1983—*Monell* Liability]

24. Plaintiff re-alleges and incorporates by reference as though fully set forth herein all prior paragraphs of this Complaint.

25. Municipal defendants BART and County of Alameda were responsible for ensuring the health and safety of the individuals placed in their custody. This included but was not limited to protecting those in custody from excessive or punitive uses of force.

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26. Plaintiff alleges on information and belief that defendants' customs or unwritten policies authorized, encouraged and condoned using excessive or punitive force against pre-trial detainees including the plaintiff in the Santa Rita Jail in violation of the Fourth and/or Fourteenth Amendments to the United States Constitution. Defendants were deliberately indifferent to the risk of harm that these customs or policies would cause and did cause the plaintiff. These customs and policies were a moving force behind the harm suffered by the plaintiff. Alternatively, plaintiff alleges on information and belief that the acts or omissions of the individual defendants were: (1) caused by inadequate and arbitrary training, supervision, and/or discipline of officers regarding the use of force; (2) caused by deliberate indifference to the use of excessive or punitive force; and/or (3) ratified by final decision-makers.

WHEREFORE, plaintiff prays for relief as set forth herein.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants, as follows.

1. For compensatory and economic damages according to proof;
2. For general damages according to proof;
3. For an award of punitive and exemplary damages against individual defendants according to proof;
4. For an award of attorneys' fees and costs;
5. Injunctive relief to remedy the unlawful practices alleged herein; and,
6. For other and further relief as the Court may deem just, necessary and appropriate.

JURY TRIAL DEMAND

Plaintiff hereby requests a jury trial on all issues so triable.

Dated: July 11, 2014

/s/ John Houston Scott
John Houston Scott
Attorney for Plaintiff